

CHAPTER 83 THEATERS

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83-1. Theaters and Moving Picture Houses.

1. DEFINITIONS. a. "Moving picture house" means any edifice, or parts thereof, used for the purpose of exhibiting moving pictures of any kind for admission to which remuneration or any other consideration is paid, charged or received.

b. "Theater" as used in this section means any edifice, or parts thereof, used for the purposes of dramatic or operatic or other exhibitions, plays or performances for admission to which remuneration or any other consideration is paid, charged or received.

2. LICENSE REQUIRED. No person, firm or corporation, either as owner, lessee, manager, officer or agent, shall keep, maintain, conduct or operate for gain or profit, any theater or moving picture house in the city without first obtaining a license therefor in the manner hereinafter provided. A license shall not be required if the theater or moving picture house is kept, maintained, conducted or operated solely for the benefit of and under the supervision of a religious, educational or charitable organization.

3. APPLICATIONS. Applications for said license shall be made to the common council upon application forms to be furnished by the city clerk. Said forms shall contain the following information:

a. The name and address of the applicant; if a partnership it should state the names and addresses of all partners; if a corporation, it should state the names and addresses of all officers and directors; if a club, association or other organization, it should state the names and addresses of all officers.

b. If the applicant is a nonresident of the city, the name and address of a local representative inside the county limits upon whom service can be made under the provisions of this section of a summons or other processes issued by any court.

c. The location and description of the specific premises to be licensed.

d. Such other information as the common council or the utilities and licenses committee may from time to time require.

e. The application shall be verified under oath by the applicant or his duly authorized agent.

4. INVESTIGATIONS TO BE MADE. Applications for such license shall be referred to the common council and to the commissioner of neighborhood services, who shall cause an investigation to be made of the premises to be licensed and report the findings to the utilities and licenses committee of the common council as soon as possible.

5. GRANTING AND DENIAL OF LICENSES. a. Granting of Licenses. Whenever the common council shall grant any such license, the city clerk shall give to the person, firm or corporation applying therefor a license, and such license shall be signed by the city clerk, and shall be sealed with the corporate seal of the city, and the city clerk shall keep a record thereof, and no such license shall be issued until the person applying for the same shall present to the city clerk the city treasurer's receipt for the payment to the city of the license fee hereinafter provided for.

b. License Requirements. The application for license shall be granted when the following requirements are met: the building, structure or premises for which the license is sought must conform in all respects to the provisions of this section and to the laws of this state and the ordinances of the city applying to such buildings, structures, or premises.

6. LICENSE FEES. See ch. 81 for the required license fee.

7. POSTING OF LICENSE IN CONSPICUOUS PLACE. Every such license shall be posted in a conspicuous place at or near the principal entrance to the premises for which it is issued.

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8. POWER OF COMMON COUNCIL TO REVOKE LICENSE. The common council shall have power and authority to revoke or not renew for cause any license granted pursuant to this chapter whenever:

a. The license was procured by fraudulent conduct or false statement of a material fact.

b. The licensed building, structure or premises does not conform in all respects to the building and zoning code, the Wisconsin administrative code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such building, structure or premises.

9. PENALTY CLAUSE. Any person who shall violate this section shall upon conviction therefor forfeit to the city a penalty of not more than \$500 for each offense together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 60 days. Each performance and each day's exhibition shall be deemed a separate offense.

10. ADMINISTRATIVE PROCEDURE AND REVIEW. Ch. 227, Wis. Stats., as amended, concerning contested cases, shall govern the administrative procedure and review regarding the granting, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of the license.

83-5. Coin-operated Moving Picture Houses.

1. DEFINITION. "Coin-operated moving picture house" means any edifice, or parts thereof, used for the purposes of exhibiting moving pictures of any kind in coin-operated machines.

2. LICENSE REQUIRED. No person, firm or corporation, either as owner, lessee, manager, officer or agent, shall keep, maintain, conduct or operate for gain or profit any coin-operated moving picture house in the city without first obtaining a license therefor in the manner hereinafter provided. A license shall not be required if the coin-operated moving picture house is kept, maintained, conducted or operated solely for the benefit of and under the supervision of a religious, educational or charitable organization.

3. APPLICATIONS. Applications for said license shall be made to the common council upon application forms to be furnished by the city clerk. Said forms shall contain the following information:

a. The name and address of the applicant; if a partnership, it should state the names and addresses of all partners; if a corporation, it should state the names and addresses of all officers and directors; if a club, association or other organization, it should state the names and addresses of all officers.

b. If the applicant is a nonresident of the city, the name and address of a local representative inside the county limits upon whom service can be made under the provisions of this section of a summons or other processes issued by any court.

c. The location and description of the specific premises to be licensed.

d. Such other information as the common council or the utilities and licenses committee may from time to time require.

e. The application shall be verified under oath by the applicant or his duly authorized agent.

4. INVESTIGATIONS TO BE MADE. Applications for such license shall be referred to the common council and to the commissioner of neighborhood services, who shall cause an investigation to be made of the premises to be licensed and report the findings to the utilities and licenses committee of the common council as soon as possible.

5. GRANTING AND DENIAL OF LICENSES. a. Granting of Licenses. Whenever the common council shall grant any such license, the city clerk shall give to the person, firm or corporation applying therefor a license, and such license shall be signed by the city clerk, and shall be sealed with the corporate seal of the city, and the city clerk shall keep a record thereof, and no such license shall be issued until the person applying for the same shall present to the city clerk the city treasurer's receipt for the payment to the city of the license fee hereinafter provided for.

b. License Requirements. The application for license shall be granted when the following requirements are met:

b-1. Structure. The building, structure or premises for which the license is sought must conform in all respects to the provisions

of this section and to the laws of this state and the ordinances of the city applying to such buildings, structures or premises.

b-2. Other Requirements. The premises on which coin-operated moving pictures are exhibited must meet the following requirements to be determined by the commissioner of neighborhood services:

b-2-a. All areas open to the public shall be open for inspection by police officers or other city authorities during the operating business hours.

b-2-b. The main entrance of said premises shall be at least 500 feet from the main entrance of any property occupied by a church, school, playground, hospital, tavern or liquor store. Such distance shall be measured along the street lot line and extended across streets and alleys, except where the business place of an applicant for such license faces on any street running parallel with the street on which the entrance of any church, school, playground, hospital, tavern or liquor store is located. The distance provision shall not apply to any premises which was in existence before January 1, 1979, and except for the distance provision would have qualified for a license under this section. This exception shall not be in effect in the event that such premises are at any time subsequent to the passage of this section not used for the purpose of exhibiting coin-operated moving pictures for a period of 6 months.

6. LICENSE FEES. See ch. 81 for the required license fee.

7. POSTING OF LICENSE IN CONSPICUOUS PLACE. Every such license shall be posted in a conspicuous place at or near the principal entrance to the premises for which it is issued.

8. POWER OF COMMON COUNCIL TO REVOKE, SUSPEND OR NOT RENEW LICENSE. The common council shall have power and authority to revoke, suspend or not renew for cause any license granted pursuant to this section whenever:

a. The license was procured by fraudulent conduct or false statement of a material fact.

b. The licensed building, structure or premises does not conform or has not conformed in all respects to the building and zoning code, the Wisconsin administrative code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such building, structure or premises.

9. PENALTY. Any person who shall violate this section shall upon conviction therefor forfeit to the city a penalty of not more than \$500 for each offense together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 60 days. Each performance and each day's exhibition shall be deemed a separate offense.

10. ADMINISTRATIVE PROCEDURE AND REVIEW. Ch. 227, Wis. Stats., as amended, concerning contested cases, shall govern the administrative procedure and review regarding the granting, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of the license.

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Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
83-1	rc	76-500-b	12/22/77	
83-1-4	am	951346	1/23/96	2/9/96
83-1-4	am	980963	12/18/98	1/1/99
83-1-6	rc	77-524-s	4/10/79	
83-5	cr	77-136	12/22/77	
83-5-4	am	951346	1/23/96	2/9/96
83-5-4	am	980963	12/18/98	1/1/99
83-5-5-b-2-0	am	980963	12/18/98	1/1/99
83-5-5-b-2	am	78-1714	2/6/79	
83-5-5-b-2-c	rc	85-305	12/4/85	1/1/86
83-5-5-b-2-c	rp	991763	5/14/2002	10/1/2002
83-5-6	rc	77-524-c	4/10/79	
83-5-8-0	am	86-468	9/23/86	10/10/86
83-5-8-b	am	86-468	9/23/86	10/10/86